

Date signed January 31, 2006



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:

SHELLY CLECKLEY, JR.
SYLVIA CLECKLEY

Debtors

Case No. 05-14749PM
Chapter 13

MEMORANDUM OF DECISION

This case is before the court on the Debtors' objection to the amended proof of claim filed by GMAC Mortgage Corporation. On August 25, 2005, the court held a hearing on the original objection to the proof of claim. That objection was sustained and the creditor given 60 days to file an amended proof of claim.

Since the time of the original objection, the parties have analyzed this account and have reached agreement as to the amount due, other than with respect to three foreclosure bills in the sums of \$806.67, \$2,323.07, and \$1,567.62. The court has carefully considered the record herein and finds as a fact that there is no basis to object to the claim of the creditor other than to reduce the fee for the resumption of bankruptcy on December 10, 2003, to \$950.00. The court finds that this particular matter could have and should have been resolved far earlier in its development. The delay is attributable to GMAC, and its claim for allowance of attorney's fees should be dealt with accordingly.

In passing, the court notes that this creditor has exercised a great deal of flexibility in its dealing with the Debtors, to their benefit. The Debtors have been faced with numerous obstacles to consummation of their earlier Chapter 13 Plan through no fault of their own. However, as the

court has often observed, Chapter 13 is not an issue of how hard debtors try but how well they do. A number of circumstances have combined to work against the Debtors, and the court finds that at all times they have conducted themselves with the utmost good faith. This instant case involves two creditors only, and the court is advised that the Debtors are current on their post-petition obligations to GMAC Mortgage Corporation,

An appropriate order will be entered.

cc:

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Nancy S. Grigsby, Trustee, P.O. Box 958, Bowie, MD 20718

End of Memorandum